

1 RENE L. VALLADARES  
Federal Public Defender  
2 State Bar No. 11479  
BRIAN PUGH  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
Brian\_Pugh@fd.org

6 Attorney for Robert Guy Russell  
7

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12  
13 v.  
14 ROBERT GUY RUSSELL,  
15 Defendant.

Case No. 2:20-cr-00059-APG-DJA

**STIPULATION TO CONTINUE  
INITIAL  
APPEARANCE AND  
ARRAIGNMENT AND PLEA  
(First Request)**

16 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
17 Trutanich, United States Attorney, and Nicholas Dickinson, Assistant United States Attorney,  
18 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
19 and Brian Pugh, Assistant Federal Public Defender, counsel for Robert Guy Russell, that Initial  
20 Appearance and Arraignment and Plea Hearing currently scheduled on June 10, 2020, be  
21 vacated and continued to a date and time convenient to the Court, but no sooner than sixty (60)  
22 days.

23 This Stipulation is entered into for the following reasons:

24 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District  
25 of Nevada issued Temporary General Order 2020-03, which found that due to the outbreak of  
26 the coronavirus disease 2019 ("COVID-2019") in the District of Nevada, the declaration by the

1 Governor of the State of Nevada of a public health emergency due to the spread of COVID-19  
2 in Nevada, and the declaration of local emergencies by local governments due to COVID-19,  
3 including Clark County, the Court has sustained “reduced ability to obtain an adequate spectrum  
4 of jurors,” and it noted the effects of public health recommendations, including “social  
5 distancing measures.” General Order 2020-03 accordingly continued all civil and criminal trials  
6 until April 10, 2020, pending further order of the Court and found that “the ends of justice are  
7 best served by ordering the continuances, which outweighs the best interests of the public and  
8 any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).” On April 9, 2020,  
9 Chief Judge Du entered Amended General Order 2020-03, which amended General Order  
10 2020-03 by stating that “the Court has determined that jury trials must be further postponed”  
11 without indicating how long the postponement will continue. Amended General Order 2020-03  
12 states further that the “each presiding judge will address any needed continuance of their trial  
13 in their individual cases.”

14 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District  
15 of Nevada issued Temporary General Order 2020-04 (collectively with General Order 2020-  
16 03, “the General Orders”), which noted that “the COVID-19 pandemic has continued to  
17 spread,” resulting in the need for “more aggressive social-distancing measures.” The Court  
18 noted further that, “[o]n March 17, 2020, the Governor of the State of Nevada ordered the  
19 closure of many business establishments and strongly encouraged all citizens to stay home.”  
20 Accordingly, the Court ordered the temporary closure of the Clerk’s office, and implemented  
21 other changes, including “striving to eliminate in-person court appearances.” In the event any  
22 hearing must go forward, the Court will conduct the hearing via video or teleconference. On  
23 April 29, 2020, Chief Judge Du entered Amended General Order 2020-04, which amended  
24 General Order 2020-04 by, among other items, stating “[t]he Court plans to incrementally  
25 resume in-person court appearances as appropriate based on recommended health guidelines.”  
26 Amended General Order 2020-04 states further that “[t]o ensure maximum distancing, the

1 presiding judge may limit the number of individuals who may physically be in the courtroom  
2 for an in-person court hearing and allow participation by telephone.”

3 3. The defendant does not consent to waiving his personal appearance in court

4 4. The defendant is not in custody and agrees with the need for the continuance.

5 5. The parties agree to the continuance.

6 6. The additional time requested herein is not sought for purposes of delay, but  
7 based on the public health emergency brought about by the COVID-19 pandemic, the required  
8 social-distancing measures as recognized in the General Orders, the need for additional time to  
9 prepare the defense during the public health emergency and once the public health emergency  
10 is resolved.

11 7. Additionally, denial of this request for continuance could result in a miscarriage  
12 of justice. The additional time requested by this Stipulation is excludable in computing the time  
13 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
14 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
15 Section 3161(h)(7)(B)(i), (iv).

16 This is the first request for a continuance of the Initial Appearance and Arraignment and  
17 Plea hearing.

18 DATED this 21 day of May, 2020.

19  
20 RENE L. VALLADARES  
21 Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

22 By /s/ Brian Pugh  
23 BRIAN PUGH  
24 Assistant Federal Public Defender

By /s/ Jammie Mickelson  
JAMIE MICKELSON  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

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6 ROBERT GUY RUSSELL,

7 Defendant.

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**ORDER**

9  
10 IT IS THEREFORE ORDERED that the Initial Appearance and Arraignment and Plea  
11 hearing currently scheduled for Wednesday, June 10, 2020 at 10:30 a.m., be vacated and  
12 continued to August 18, 2020 at the hour of 11:00 a.m. in Courtroom 6C; or to a time and date  
13 convenient to the court.

14 DATED this 21st day of May, 2020.

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16 

17 UNITED STATES DISTRICT JUDGE